

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MELVIN FRAZIER, JR.,

Plaintiff,

v.

MARCUS GEORGE, *et al.*,

Defendants.

Case No. 2:22-cv-00277-JAD-EJY

REPORT AND RECOMMENDATION

On February 14, 2022, Plaintiff, an inmate in the custody of Clark County Detention Center, filed an incomplete *in forma pauperis* (“IFP”) application along with a Complaint. ECF Nos. 1, 1-1. On February 16, 2022 the Court entered an Order and Report and Recommendation denying Plaintiff’s IFP application without prejudice because Plaintiff failed to include his inmate account statement for the previous six month period. The Court recommended the Complaint be dismissed without prejudice because it was illegible precluding the Court from assessing the merits of Plaintiff’s allegations. ECF No. 3. Plaintiff was given through and including March 18, 2022 to file a complete IFP application and amended complaint. *Id.* at 3.

On March 10, 2022, Plaintiff filed a second incomplete IFP application (ECF No. 4) that was denied because Plaintiff again failed to provide his inmate account statement for the previous six month period. ECF No. 6. On March 11, 2022, the Court adopted the February 16, 2022 Report and Recommendation in its entirety. ECF No. 5. The Court stated that Plaintiff’s case would be dismissed without further notice if Plaintiff failed to file a legible amended complaint by April 11, 2022. *Id.* On March 17 and 28, 2022 the Court’s Orders entered on the docket at ECF Nos. 5 and 6 were returned as undeliverable. ECF Nos. 7, 8. As of today’s date, Plaintiff has not filed a complete IFP or a legible amended complaint.

1 Based on the foregoing, IT IS HEREBY RECOMMENDED that this matter be dismissed
2 without prejudice.

3 Dated this 5th day of May, 2022.

4 
5 ELAYNA J. YOUCHAK
6 UNITED STATES MAGISTRATE JUDGE

7
8 **NOTICE**

9 Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in
10 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held
11 that the courts of appeal may determine that an appeal has been waived due to the failure to file
12 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This Circuit has
13 also held that (1) failure to file objections within the specified time and (2) failure to properly address
14 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
15 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
16 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).